

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.12 OF 2007
IN
WRIT PETITION NO.7846 OF 2006**

M/s.Silver Line Enterprizes ..Petitioner

V/s.

The State of Maharashtra and ors. ..Respondents

Mr.Vishal Ghosalkar, advocate for the petitioner
[Smt.V.S.Mhaispurkar](#), AGP for respondent Nos.1 to 3
[Mr.N.N.Bhadrashete](#), advocate for respondent No.4

Coram : [S.J.Vazifdar](#), J.

Date : 9th January, 2007

P.C.

1. The petitioner in view of the Rule 107(13) claims to be entitled to have the sale by the Sale Officer to set aside upon complying with the provisions of the said Rule.

2. The petitioner shall be at liberty to make an appropriate application under Rule 107(13) before the Sale Officer in accordance with Law. It is clarified that the order dated 18th December,

2006 shall not preclude the petitioner from making such an application. As far as this Court is concerned, the time to make payment may be extended. However, it was stated that the auction purchaser has been but in possession of the property. In view thereof the Sale Officer may consider it appropriate to hear him before passing final order under Rule 107(13). In these circumstances, it is appropriate that the application be made before the Sale Officer. With this clarification application is disposed of. It is further clarified that the amount of Rs.26,00,000/- shall be deposited in this Court in accordance with the said order dated 18th December, 2006 and in the application the petitioner shall be entitled to credit for the said amount, if paid into this Court. In other words, the application under Rule 107(13) shall not be rejected on the ground that there is short fall of the amount of Rs.26,00,000/- which is to be deposited in this Court. The time to deposit the amount in this Court is extended upto 15th January, 2007. Accordingly, Civil Application is disposed of.

